

CRR-4028-2014 (O & M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR-4028-2014 (O & M)
Date of Decision: 29.07.2015**

Gurdas Kaur and another

... Petitioner (s)

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Pardeep Rajput, Advocate for the petitioners.

Mr. S.S. Chandumajra, Deputy Advocate General, Punjab.

Paramjeet Singh, J. (Oral)

Present criminal revision has been preferred by the petitioners against judgment dated 20.09.2014 passed by the Additional Sessions Judge, Tarn Taran whereby appeal preferred by the petitioners against the judgment of conviction and order of sentence dated 08.09.2011 passed by the Sub Divisional Judicial Magistrate, Patti,

District Tarn Taran, has been dismissed and the conviction and order of sentence have been upheld, whereby the petitioners have been sentenced as under:-

Name	Under Section	Sentence	Fine	In default
Gurdas Kaur	420 IPC	To R.I. two years	₹2000/-	In default 15 days
Sukhwant Singh	420 IPC	To R.I. two years	₹2000/-	In default 15 days

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgments of courts below and in view of the ultimate prayer of the petitioners seeking reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel appearing for the petitioners states that he is not pressing this revision on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that sentence of the petitioners be suitably reduced as this criminal trial is hanging on his head like damocle's sword for more than ten years and it should be a sufficient mitigating circumstance to treat them leniently. Learned counsel for the petitioners has further submitted that the FIR pertains to the year 2004 and since then a period of more than ten years has elapsed. The petitioners have suffered the

ordeal for long period. Learned counsel for the petitioners further submits that the petitioner Gurdas Kaur has already undergone the imprisonment for 10 months and 17 days including remissions and petitioner Sukhwant Singh has undergone the imprisonment for 9 months and 16 days.

Learned counsel for the State vehemently opposes the reduction in sentence.

I have considered the contentions raised by learned counsel for the parties.

Ancient penological approach was custodial measure to curb crime. But in modern days, penological approach should be balanced keeping in view the needs of the community and interests of the accused: such as compensation to the victims, release on admonition, probation etc. These are being adopted to reform the criminal convicts. The object of criminal justice system is to reform the offenders and to make them see and follow the right path. Otherwise also jails are often overcrowded.

In view of the arguments advanced by learned counsel for the petitioners, which have been noted above, this Court is of the view that no useful purpose will be served by keeping the petitioners behind bars as the petitioners have already faced ordeal for more than ten years

and petitioner Gurdas Kaur has already undergone the imprisonment for

10 months and 17 days including remission and petitioner Sukhwant Singh has undergone the imprisonment for 9 months and 16 days. It is a fit case wherein sentence awarded to the petitioners can be reduced to already undergone and in lieu thereof they can be burdened with fine. Ordered accordingly. The fine is enhanced to ₹5000/- each. It is, however, made clear that the petitioners, who are stated to be in custody, shall be released on deposit of enhanced fine and if not required in any other case. The period of sentence will stand reduced to undergone up to the actual release, as aforesaid. The impugned order of sentence and conviction, including default clause, stand affirmed with aforesaid modification. It goes without saying if the amount of fine is not deposited, the petitioners will serve the remaining part of sentence.

With the above observations/modification of impugned order, present revision petition is disposed of.

July 29, 2015.
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(PARAMJEET SINGH)
JUDGE